



courts. *See, e.g., Wagner v. Smith*, 581 F.3d 410, 414 (6th Cir. 2009); *Frazier v. Huffman*, 343 F.3d 780, 797 (6th Cir. 2003). Fair presentation requires that the State courts be given the opportunity to see both the factual and legal basis for each claim. *Wagner*, 581 F.3d at 414. This requires a petitioner to provide the State courts with “one full opportunity to resolve any constitutional issues by invoking one complete round of the State’s established appellate review process.” *See O’Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999); *Hafley v. Sawders*, 902 F.2d 480, 483 (6th Cir. 1990).

Petitioner contends she “applied for” jail time credit in September 2015, but the Court of Common Pleas has failed to respond to her request. This statement, however, is insufficient to demonstrate she has satisfactorily exhausted a claim that she has not received all the jail time credit to which she is entitled in the Ohio courts. In *Redding v. Bradshaw*, No. 1: 12 CV 2765, 2012 WL 5996435 (N.D. Ohio Nov. 12, 2012), the court dismissed a habeas petition challenging jail time credits for failure to exhaust and indicated that a mandamus action is a proper state remedy for a petitioner who claims his sentence should be reduced for time served.

Accordingly, based on the foregoing, Petitioner’s motion to proceed *in forma pauperis* (Doc. No. 2) is granted, but her habeas action is dismissed without prejudice because she has not demonstrated she has exhausted her State court remedies. Petitioner’s motion for appointment of counsel (Doc. No. 3) is denied. The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith and that there is no basis on which to issue a certificate of appealability.

IT IS SO ORDERED.

Dated: September 2, 2016

s/ *James S. Gwin*

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE